IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.34 of 1991
Date of Decision: 13-9-2006

The Hindustan National Glass Company, through its General Manager, Bahadurgarh, District Rohtak.

.....Appellant

VERSUS

1.Khem Chand s/o Sh.Gordhan, r/o Lowa Khurd, Tehsil Bahadurgarh, District Rohtak (father of deceased Pritam Singh.
2.Shyamo w/o Khem Chand, r/o Lowa Khurd, Tehsil Bahadurgarh, District Rohtak;
3.Driver of Car No.WNF-7229 (name to be given_
4.Savita Wd/o Pritam Singh, r/o Lowa Khurd, Tehsil Bahadurgarh, District Rohtak
5.Minakshi;
6.Kalpna minor daughters of Pritam Singh;
7.Pradeep Kumar minor son of Pritam Singh;
all minors through Smt.Savita Wd/o Pritam Singh, as their mother and natural gurdian, residents of Lowa Khurd,Tehsil Bahadurgarh,District Rohtak.
8.M/s Glass Equipment (India) Limited, Calcutta, West Bengal
9.National Insurance Company Ltd.(Regd. Office :3 middleton street, Calcutta-70071 Liluah Branch, 61, G.T.Road, Liluah Howrah.

.....Respondents

BEFORE:- HON'BLE MR.JUSTICE R S MADAN

PRESENT: Mr.Ramesh Kumar,Advocate
for the appellant.

Mr.Shailender Singh, Advocate
for the respondent-claimants.

Mr.Baldev Kapoor,Advocate
for respondent No.4.

R S Madan,J.(Oral)

Amended memo of parties has been filed in Court today, which is taken on record.

The present appeal has been filed by the owner against the order dated 12-11-1990 passed by the Motor Accident Claims Tribunal, Rohtak vide which the liability to pay the compensation has been fixed against the owner.

During the pendency of the appeal, an application was moved on behalf of M/s Hindustan National Glass Company, Bahadurgarh that Vehicle No.WNF-7229 belongs to M/s Glass Equipment India Limited Calcutta (West Bangal). Resultantly, notice was issued to the Company, who put in appearance and also pleaded that at the relevant time the vehicle in question belongs to the M/s Glass Equipment India Limited, Calcutta and it was insured with the National Insurance Company Limited. Accordingly, they were allowed to be impleaded as a party to the petition.

The parties have stated at bar that the new owner and the Insurance Company may be afforded an opportunity to contest the petition before the Tribunal by filing written statement and thereafter lead evidence in support thereof.

Learned counsel for the claimants has no objection if the case is remitted to the Motor Accident Claims Tribunal, Rohtak for fresh decision.

In view of the submissions of the learned counsel for the parties, the impugned order dated 12-11-1990 passed by the Motor Accident Claims Tribunal, Rohtak against the Hindustan National Glass Company, Rohtak is set aside and the appeal is accepted. The newly added owner of the Company as well as the Insurance Company are afforded an opportunity to contest this petition before the Tribunal in accordance with law.

Accordingly, the present appeal is remitted to the Motor

Accident Claims Tribunal, Rohtak for disposing of the same within two months from the date of receipt of a copy of this order after affording two opportunities to each party to conclude their evidence.

The Division Bench of this Court on 16-9-1991 had directed the Hindustan National Class Company, Bahadurgarh, District Rohtak to deposit 50% of the awarded amount passed by the Tribunal. After the decision of the case by the Tribunal, it would be open for the Tribunal to pass an appropriate order in accordance with law about the disbursement of the amount.

Parties are directed to appear before the learned Tribunal on 30-9-2006.

Disposed of.

Copy of the order be given dasti on payment of usual charges.

(R S MADAN)
JUDGE

September 13, 2006
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